IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 10808 of 2005

Between:

Nallapaneni Venkataratnam W/o Kotaiah
Modepalli Village, Addanki Mandal Guntur District.

..... PETITIONER

AND

1 The Joint Collector Prakasam Distrit at Ongole.
2 The Reveue Divisional Officer Ongole, Prakasm District.
3 The Manal Revenue Officer, Addanki Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the order of the Revenue Divisional Officer, Ongole, Prakasam District, the 2nd respondent herein his Proceedings in Rcc/539/2005 dt.8.4.2005 suspending the fair price shop dealership authorisation to the petitioner of Modepalli Village, Addanki Mandal, Prakasam District and the consequential inaction of the 1st respondent in non considering the stay petition and not disposing of the appeal of the petitioner on his file filed against the order of the 2nd respondent in Rcc/539/2005 dt.8.4.2005 as arbitrary, illegal, malafide, improper, unconstitutional and against the right of appeal and consequently set-aside the orders in Rcc/539/2005 dt.8.4.2005 issued by the 2nd respondent thereby enabling the petitioner to continue as permanent fair price shop dealer of Modepalli Village, Addanki Mandal, Prakasam District and pass such other order or orders.

Counsel for the Petitioner:MR.RAJANIKANTH JWALA

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following :

O R D E R:

The writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the 2nd respondent-Revenue Divisional officer, Ongole in issuing proceedings in RCC/539/2005 dated 08-04-2005 as illegal and arbitrary.

The petitioner is the authorized dealer of the fair price shops of Modepalli village Addanki Mandal, Prakasam District. In the affidavit filed in support of the writ petition it is stated that on 16-03-2005 the

3rd respondent-Mandal Revenue Officer, Addanki, inspected the shop of the petitioner and found certain irregularities committed by the petitioner. Prima-facie, the dealership authorization of the petitioner has been suspended pending enquiry of the case. Basing on the report of the 3rd respondent-Mandal Revenue Officer, Addanki, the 2nd respondent-Revenue Divisional Officer, Ongole issued a show cause notice to the petitioner calling for explanation and on the same day, she submitted a detailed explanation in this regard. Aggrieved by the same, the petitioner preferred an appeal before the 1st respondent-Joint Collector, Ongole along with an application for stay of the order of suspension. The grievance of the petitioner is that the impugned proceedings issued by the 2nd respondent-Mandal Revenue Officer, Addanki is contrary to law and that the 1st respondent-Joint Collector did not pass any orders so far. Hence the writ petition has been filed.

Having heard the learned counsel for the writ petitioner and as well as the learned Government Pleader for Civil Supplies, since the statutory appeal preferred by the petitioner against the impugned order of suspension is pending, I am not inclined to express any opinion on the merits of the case. Instead, I am of the view that the interest of justice would be met, if the 1st respondent-Joint Collector, Ongole, is directed to dispose of the appeal dated 19-04-2005 filed by the petitioner in accordance with law as expeditiously as possible preferably within a period of six weeks from the date of receipt of a copy of the order.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

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29-04-2005

Mjl/*

To,

1 The Joint Collector Prakasam Distrit at Ongole.
2 The Reveue Divisional Officer Ongole, Prakasm District.
3 The Manal Revenue Officer, Addanki Mandal, Prakasam District.

4. 2 CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad.

5. 2 CD copies.